

**FILED****UNITED STATES DISTRICT COURT**for the  
Western District of Texas

JUN 19 2017

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY  DEPUTY

United States of America

v.

Miguel Hernandez

Case No.

EP-17-mj-2308-RFC

Defendant(s)

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 6, 2017 in the county of El Paso in the  
Western District of Texas, the defendant(s) violated:*Code Section**Offense Description*

Title 18, USC, Section 922(g)(1)

Possession of firearm by prohibited person; convicted felon

This criminal complaint is based on these facts:

See Attached Affidavit which is hereby incorporated by reference

☒ Continued on the attached sheet.

Complainant's signature

Michael Lane, Special Agent, ATF

Printed name and title

Sworn to before me and signed in my presence.

Date: \_\_\_\_\_



Judge's signature

City and state: El Paso, Texas

Robert F. Castaneda, U.S. Magistrate Judge

Printed name and title

## AFFIDAVIT

Your affiant, Michael Lane, first being duly sworn, does hereby depose and state as follows:

1. That I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been so employed since March 2016. I have received specialized training regarding the investigation and enforcement of Federal Firearms violations and have conducted investigations regarding individuals involved in illegal firearms activities. That I make this statement based on my own investigation, records review, interviews with the suspect, and information provided by other law enforcement officers to your affiant. Because this affidavit is submitted for the limited purpose of securing an arrest warrant, it does not purport to contain everything known to your affiant about this investigation
2. Your affiant recently received information from Drug Enforcement Administration (DEA) Special Agent (SA) Terrance Moore advising that Miguel HERNANDEZ, a convicted felon, was in possession of two firearms and assorted ammunition when SA Moore executed a search warrant at HERNANDEZ's residence. This investigation relates to violations of Title 18, United States Code, Section 922(g)(1), knowingly possessing a firearm while being a convicted felon.
3. Your affiant knows SA Moore to be a DEA SA and has worked with SA Moore on more than one occasion while as an undercover narcotics detective with the El Paso Police Department, and as a SA employed by ATF. Further, SA Moore has been a DEA Special Agent since February 2010. As an agent with the DEA, SA Moore attended 20 weeks of training at the DEA Academy in Quantico, Virginia, where SA Moore became familiar with how controlled substances are consumed, manufactured, packaged, marketed, and distributed. SA Moore is currently assigned to investigate illicit drug trafficking organizations operating in and around El Paso, Texas.
4. On June 16, 2017, DEA El Paso Agents executed a Federal Search warrant at 11780 Flor Del Sol, Socorro, Texas, 79927, Western District of Texas, residence of Miguel HERNANDEZ. At approximately 7:45 a.m., Agents observed a Hispanic Male wearing black t-shirt and black jean, later identified as Miguel HERNANDEZ, opening the driveway gate entrance. Agents approached HERNANDEZ and advised him of the search warrant. HERNANDEZ was asked if he had any drugs or firearms inside the house. Initially HERNANDEZ denied any drugs or firearms inside the house but later stated that he had a gun inside of dirty clothes hamper. HERNANDEZ stated that he puts inside the hamper to hide it from his kids.
5. At approximately 7:52 a.m., Agents began searching the house. Agents found a black magazine with ammunition inside the entertainment center drawer. Agents discovered a

loaded High Standard M-1911 ATFS serial number HS1279595 pistol inside a clothes hamper in the laundry room area. Agents found a Colt .45 Serial # 11998-NM pistol inside the clothes hamper located in the master's bathroom. Agents found a magazine with ammunition and a box of ammunition containing four rounds in a nightstand in the master bedroom.

6. After the search, Agents interviewed HERNANDEZ's wife, Sonia Torres Gurrola about the guns. She stated that the guns and ammunitions belonged to her husband because she did not know the weapons were inside the house. Agents also interviewed Miguel HERNANDEZ Jr, who stated that the guns belonged to his father. HERNANDEZ Jr. was sitting next to his mother in the house when agents asked about the ownership of the firearms.
7. HERNANDEZ was transported to an El Paso County Sheriff's Office substation to be interviewed. HERNANDEZ was Mirandized and agreed to talk to agents without an attorney present. HERNANDEZ claimed ownership of the firearms and ammunition. He stated he purchased the firearms from his nephew who resides in Dallas, Texas.
8. Your affiant is also aware that Miguel HERNANDEZ is a convicted felon, convicted of Possession of Marijuana with a gross aggregate weight equal to or less than 50 pounds, and greater than five pounds, a 3<sup>rd</sup> Degree Felony. HERNANDEZ was convicted on March 3, 2009 in Criminal District Court #1, cause number 20080D03232; State of Texas v. Hernandez, Miguel.
9. Your affiant spoke to ATF Firearms Nexus Expert, SA Michael Kushner who advised the Colt .45 Serial # 11998-NM pistol was not manufactured in the State of Texas, thus effecting interstate commerce.
10. That in light of the above, your affiant submits that probable cause exists to arrest Miguel HERNANDEZ for violation of Title 18, United States Code, Section 922(g)(1).

FURTHER YOUR AFFIANT SAYETH NAUGHT.